

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|---------------------------------------|---|-----------------|
| APPLICATION OF KENTUCKY CGSA, INC. |) | |
| FOR ISSUANCE OF A CERTIFICATE OF |) | |
| PUBLIC CONVENIENCE AND NECESSITY |) | |
| TO CONSTRUCT AN ADDITIONAL CELL |) | |
| SITE IN LOUISVILLE, KENTUCKY FOR THE |) | CASE NO. 96-272 |
| PROVISION OF DOMESTIC PUBLIC CELLULAR |) | |
| RADIO TELECOMMUNICATIONS SERVICE TO |) | |
| THE PUBLIC IN JEFFERSON COUNTY, |) | |
| KENTUCKY AND THE LOUISVILLE MSA |) | |

O R D E R

The Commission has received the attached letter from Patricia A. Clare and the attached motion from the Brown-Forman Corporation (hereinafter referred to as "Petitioners") regarding the proposed cellular telecommunications facility to be located at 949 and 951 Dixie Highway, Louisville, Jefferson County, Kentucky.

IT IS THEREFORE ORDERED that:

1. WirelessCo, L.P. ("WirelessCo") shall respond to the Petitioners' concerns by certified letter, within 10 days from the date of this Order.
2. WirelessCo shall file a copy of the certified letter and dated receipt, within 7 days of the date of the receipt.

Done at Frankfort, Kentucky, this 22nd day of July, 1996.

ATTEST:


Executive Director

PUBLIC SERVICE COMMISSION


For the Commission

RECEIVED

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PUBLIC SERVICE
COMMISSION

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APPLICATION OF KENTUCKY CGSA, INC.)
FOR ISSUANCE OF A CERTIFICATE OF)
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TO CONSTRUCT AN ADDITIONAL CELL)
SITE IN LOUISVILLE, KENTUCKY FOR)
THE PROVISION OF DOMESTIC PUBLIC)
CELLULAR RADIO TELECOMMUNICATIONS)
SERVICE TO THE PUBLIC IN JEFFERSON)
COUNTY, KENTUCKY AND THE LOUISVILLE)
MSA)

Case no. 96-272

MOTION TO INTERVENE AS A PARTY
BROWN-FORMAN CORPORATION

* * * * *

Brown-Forman Corporation moves to Intervene as a full party in the above captioned application before the Commission, and in support of its Motion states as follows:

1. The Movant's complete name, address and telephone number are: Brown-Forman Corporation, 850 Dixie Highway, Louisville, Kentucky 40210, (502) 585-1100.

2. Movant states that it desires to be granted full intervention status and to be served with all appropriate pleadings, testimony, exhibits, correspondence and other documents submitted by parties to this application.

3. Movant states that it is the owner of property located within 500 feet of the lease area on the Andrews Property known as Louisville-Central Park (II), and specifically its address is 850 Dixie Highway, Louisville, Kentucky 40210. The applicable tax map/parcels are 37A/87, 89, 109, 110, 111, 112, 113, 114, 115, 116, 84, 85, 86, 167, 36H/3, 2, 1, 38C/127, 140, upon which the campus and Brown-Forman Corporation are located.

4. Movant further states that the neighborhood which surrounds the proposed cellular tower site constitutes an area within Louisville/Jefferson County known as the "California Area". Brown-Forman has been a resident of that neighborhood for over 70 years and not only has invested millions of dollars in its own buildings and grounds, but has contributed hundreds of thousands of dollars to improve the housing in the "California Area". Its relationship with the neighborhood associations, other businesses, and the church community has been an on-going one in that the rapport between the various entities and groups has all been directed towards the improvement and revitalization of that area. Housing stock in the area has made tremendous strides towards improvement, however, the commercial/retail development has steadily declined over the years and no longer supports the improving neighborhood needs.

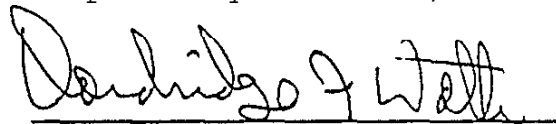
6. In response to concerns from area residents, churches and the City of Louisville, Brown-Forman is providing a \$50,000.00 grant for the purpose of defraying the costs of a study to recommend alternatives for the redevelopment of the 18th Street corridor. The improvement of this corridor is critical to the revitalization of the "California" neighborhood. The study, although still in progress and without a final conclusion, indicates from preliminary reports that the placement of a 126 foot cellular tower is inconsistent and detrimental to the development of the 18th Street corridor. Placement of a tower in this location will result in the removal

from the market of prime real estate for commercial/retail development, a critical component for the redevelopment and revitalization of the 18th Street corridor.

7. Movant believes that a more suitable, less critical site for the placement of the tower can be accomplished without compromising the ability of the Applicant to furnish a high level of service to its market area. That the Commission should require that applicant and the intervening party and/or parties mediate the location on the site proposed in the application with an ends towards developing a reasonable alternative for all parties concerned.

WHEREFORE, Movant prays that its motion be sustained and that it be granted full intervener status with all the rights pertaining thereto, for all relief to may appear proper, both legal and ethical, any costs expended and for any and all other proper relief to which it may appear entitled, both special and general.

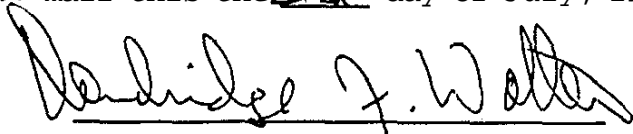
Respectfully submitted,



Dandridge F. Walton
DAY, SMITH, WALTON & DURHAM
113 West Main Street
Frankfort, Kentucky 40601
(502) 227-4900

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion was served upon Sam G. McNamara, attorney for Kentucky CGSA, Inc., 315 High Street, Frankfort, Kentucky 40601, by placing same, postage pre-paid in the U.S. mail this the 3rd day of July, 1996.





JERRY E. ABRAMSON
MAYOR

City of Louisville
Louisville Development Authority
600 West Main Street
Suite 300
Louisville, KY 40202
(502) 574-4140 • FAX (502) 574-4143

BARRY S. ALBERTS
EXECUTIVE DIRECTOR

Dotson

July 2, 1996

Mr. Don Mills
Executive Director
Public Service Commission of Kentucky
Post Office Box 615
Frankfort, Kentucky 40206

RE: Case No. 96-272

Dear Mr. Mills:

I am writing on behalf of the Louisville Development Authority of the City of Louisville, to express concern over the proposed cellular radio telecommunication facility at 949-951 Dixie Highway. The Louisville Development Authority wishes to intervene in the proposed construction.

The proposed **site** is within the City's Empowerment Zone and is located on a commercial corridor in Louisville's West End. While housing redevelopment has been successful in many sections of West Louisville, commercial — specifically, retail — development **has** not kept pace with new residential development. The **blocks south** of the industrial properties at 18th Street (Dixie Highway) and Broadway **were** recently identified **as** priority area for strengthening the retail and commercial character of the Dixie Highway corridor. The Chicago consulting firm of Shorebank Advisory Services is under contract to the City of Louisville to prepare a retail development strategy for the 18th Street/Dixie Highway Corridor. The results of the study are in preliminary form.

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The proposed telecommunications facility would ~~take~~ a potentially prime piece of commercial property out of the market. ~~The two~~ vacant parcels on which the proposed facility is to be constructed are adjacent to four parcels in public ownership. ~~The~~ public ownership in this block makes it likely candidate for redevelopment. On average, ~~the~~ blocks and ~~tax~~ parcels along **Dixie** Highway are narrow **and** shallow, making land assembly a necessary component of commercial redevelopment.

Although I realize that the application for ~~this~~ case ~~was~~ filed prior to the effective date of the new legislation concerning cellular telephone towers, **because** of the closeness of the date, I **think** it is appropriate for the Commission to honor the spirit and intent of the legislation and consider the case within the new process. I request that the Commission **urge the** applicant to work with the City of Louisville to find a more appropriate site for the ~~proposed~~ facility.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Clare". The signature is fluid and cursive, with a long horizontal stroke at the end.

Patricia A. **Clare**, AICP
Administrator of Planning